

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:16-CV-229-RJC-DCK**

STEVEN MICHAEL BROWN and)	
SUSAN BROWN,)	
)	
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
CELADON TRUCKING SERVICES, INC.,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on the parties' "Joint Motion For Relief" (Document No. 43) filed May 10, 2017. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and is immediate review is appropriate. Having carefully considered the motion and the record, noting consent of the parties, and having consulted with Judge Conrad's chamber, the undersigned will grant the motion.

IT IS, THEREFORE, ORDERED that the "Joint Motion For Relief" (Document No. 43) is **GRANTED**.

IT IS FURTHER ORDERED that

1. In August and September 2017, Plaintiffs are permitted to take videotaped trial depositions of the 22 treating physicians and health care providers disclosed in their Identification of Experts dated December 29, 2016, and Plaintiffs are permitted to use the depositions at trial under Rule 32 of the Federal Rules of Civil Procedure subject to the Federal Rules of Evidence. Plaintiffs and Defendant shall mutually agree on the deposition dates.

2. With Plaintiffs' counsel present, Defendant's counsel shall be permitted to interview for up to 30 minutes each treating physician or health care provider immediately prior

to the videotaped trial deposition at the expense of Plaintiffs and/or shall be permitted to take a discovery deposition of any such treating physician or health care provider in June and July 2017 at the expense of Defendant. Plaintiffs and Defendant shall mutually agree on the deposition dates.

3. On May 9, 2017, for the treating physicians and health care providers disclosed in their Identification of Experts, Plaintiffs' counsel supplemented the Identification of Experts via email by providing an additional summary of the facts and opinions to which the witness is expected to testify. Plaintiffs shall now serve the same supplementation in a more formal Supplemental Identification of Experts, to which Defendant has stated it does not intend to object.

4. If Plaintiff Steven Brown is seen by any such treating physician or health care provider prior to the discovery deposition or trial deposition, Mr. Brown shall provide Defendant with a copy of any medical records (including diagnostic images) resulting from such visit within 10 business days after the visit or within 5 business days prior to the deposition, whichever is earlier. At the same time that such records are provided to Defendant, Plaintiffs shall further supplement their Supplemental Identification of Experts if such physician or provider has stated new opinions in the records to which he/she is expected to testify.

5. The remaining deadlines for motions and trial in the Pretrial Order and Case Management Plan (D.E. 21) shall remain in effect.

SO ORDERED.

Signed: May 12, 2017



David C. Keesler
United States Magistrate Judge
